

1 MELINDA HAAG (CABN 132612)
2 United States Attorney
3 DAVID R. CALLAWAY (CABN 121782)
4 Chief, Criminal Division
5 ANDREW S. HUANG (CABN 193730)
6 Assistant United States Attorney
7 1301 Clay Street, Suite 340S
8 Oakland, California 94612
9 Telephone: (510) 637-3680
10 FAX: (510) 637-3724
11 andrew.huang@usdoj.gov
12 Attorneys for United States of America

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) CASE NO. CR 15-00149 HSG
Plaintiff,) STIPULATED REQUEST AND [PROPOSED]
v.) ORDER TO EXCLUDE TIME UNDER THE
HUGO JOHN SCHERZBERG,) SPEEDY TRIAL ACT, 18 U.S.C. § 3161 ET SEQ.
Defendant.)

A status hearing was held on June 8, 2015, in the above-captioned matter. Due to a scheduling issue with his medical treatment, the defendant, who is in custody, was not present for the hearing. A new status hearing is set for August 10, 2015.

For the reasons stated before the Court during the status hearing, and as set forth below, the parties stipulated, and the Court found, that an exclusion of time was appropriate under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between June 8, 2015, and August 10, 2015. In support of this exclusion of time, the parties hereby stipulate as follows:

1. On May 20, 2015, the government provided the defense approximately 126 pages of discovery.
2. More discovery is available for inspection by the defense.

1 3. The defense requires additional time to review the discovery provided (and may
2 seek opportunity to review other available discovery) and to conduct follow-up investigation and
3 research.

4 4. Due to the defendant's medical treatment and place of custody, additional time is
5 required for counsel to review this matter with the defendant and provide necessary legal advice.

6 5. The Court may appropriately find that the ends of justice served by continuing
7 this matter to August 10, 2015, outweigh the best interests of the public and the defendant in a
8 speedy and public trial because failure to grant such a continuance would deny defense counsel
9 reasonable time for effective preparation, taking into account the exercise of due diligence.

10 WHEREFORE, the parties request that the Court exclude time from computation under the
11 Speedy Trial Act, 18 U.S.C. §§ 3161(h) (7)(A) and (B)(iv), from June 8, 2015, through August 10, 2015.

12 Respectfully submitted,

13 MELINDA HAAG
14 United States Attorney

15 6/8/2015
16 _____
17 Date

18 ANDREW S. HUANG
19 _____
20 Assistant United States Attorney

21 6/11/2015
22 _____
23 Date

24 HUGO JOHN SCHERZBERG
25 _____
26 Defendant

27 6/11/2015
28 _____
29 Date

30 JEROME MATTHEWS, Esq.
31 _____
32 Assistant Federal Public Defender
33 Counsel to Defendant Scherzberg

34 SO ORDERED.

35 6/12/2015
36 _____
37 Date

38 HAYWOOD S. GILLIAM
39 _____
40 Hon. HAYWOOD S. GILLIAM
41 United States District Judge